

D.T.E. 01-33

Proceeding by the Department of Telecommunications and Energy to conduct mandatory thousands-block number pooling trials and other number conservation measures pursuant to the authority delegated by the Federal Communications Commission

VOTE AND ORDER TO OPEN PROCEEDING

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I. INTRODUCTION

On August 3, 2000, the Massachusetts Department of Telecommunications and Energy ("Department") petitioned the Federal Communications Commission ("FCC") for delegated authority to undertake various number conservation measures in Massachusetts on a state-wide basis, including the 413 area code (also known as "numbering plan area" or "NPA") in western Massachusetts and the four overlay area codes scheduled to be implemented in eastern Massachusetts in April 2001.⁽¹⁾ In its petition, the Department requested, inter alia, authority on a state-wide basis to implement thousands-block number pooling ("TNP" or "pooling") trials until national TNP measures are implemented.⁽²⁾

On February 14, 2001, the FCC delegated to the Department the state-wide authority to institute interim TNP trials, the authority to maintain rationing procedures for six months following implementation of area code relief, and the authority to hear and address claims of carriers seeking numbering resources outside of the rationing process.⁽³⁾

II. IMPLEMENTATION OF POOLING TRIALS

Consistent with the authority granted in the February MA Delegation Order, the Department hereby exercises its authority to institute TNP trials and other number conservation measures on a state-wide basis in Massachusetts. We begin by ordering a pooling trial to be implemented in the 413 NPA in western Massachusetts. The North American Numbering Plan Administrator has projected that the 413 NPA will exhaust (*i.e.*, run out of numbers) by the fourth quarter of 2002. However, we have received informal estimates that immediate pooling in the 413 NPA could extend the life of that area code for several years. Therefore, we begin our efforts there. We will require a TNP trial to be implemented by all LNP-capable carriers in all LNP-capable rate centers within the 413 NPA no later than August 1, 2001.⁽⁴⁾ In addition, we will require a TNP trial to be implemented in the 617/857 NPA by November 1, 2001; in 508/774 by December 1, 2001; in 781/339 by January 1, 2002; and in 978/351 by February 1, 2002.⁽⁵⁾

III. SELECTION OF INTERIM POOLING ADMINISTRATOR

In order to facilitate pooling, the Department must first select a neutral third-party administrator to serve as Interim Pooling Administrator ("IPA") in Massachusetts. In the February MA Delegation Order at ¶ 18, the FCC directed the Department to select an IPA until such time as a National Pooling Administrator is chosen by the FCC.

On January 26, 2001, the Department issued a Request for Responses ("RFR") that invited entities interested in serving as the IPA for pooling trials in Massachusetts to provide the Department with an oral presentation of their ability to provide number administration services pursuant to industry guidelines and federal rules relating to interim TNP authority delegated to state commissions. NeuStar, Inc. ("NeuStar") and Telcordia Technologies, Inc. ("Telcordia") responded to the Department's RFR. The undocketed presentations provided by NeuStar and Telcordia, and the materials provided in response to the RFR and as part of the oral presentations, serve as the basis for the Department's selection of the IPA for all Massachusetts pooling trials.

The Department hereby designates NeuStar as the Massachusetts IPA. The Department finds that both Telcordia and NeuStar are highly qualified and capable of successfully administering TNP in Massachusetts. Both applicants provided comprehensive and informative materials and oral presentations to the Department; both applicants demonstrate a high degree of professionalism, efficiency, and neutrality. The choice was not easy. The Department's selection of NeuStar as the IPA for Massachusetts is based on NeuStar's greater experience with state pooling trials and NeuStar's pricing proposal. Therefore, all Massachusetts carriers, via North American Portability Management, LLC ("NAPM") are hereby directed to enter into contract negotiations with NeuStar, as designated IPA.

Within thirty (30) days of the issuance of this Order, NeuStar shall conduct a first implementation meeting for all industry participants to develop the specific dates for the necessary milestones for the TNP trials in Massachusetts.⁽⁶⁾ All service providers that are currently codeholders in Massachusetts NPAs, as well as other stakeholders, are strongly

encouraged to participate in this and any other meetings relative to the implementation of pooling trials in Massachusetts.

IV. COST ALLOCATION AND RECOVERY

The FCC directed the Department to develop a cost-recovery mechanism for joint and carrier-specific costs of implementing and administering state pooling trials. February MA Delegation Order at ¶ 19. In its Order, the FCC recommends that the Department consider the "competitively neutral" cost principles found in the FCC's Telephone Number Portability Order⁽⁷⁾ and Numbering Resource Optimization First Report and Order⁽⁸⁾ when considering a cost-recovery mechanism. Id. at ¶ 20. The FCC has also stated that the state mandated cost-recovery mechanism will be superseded by a national cost-recovery framework when national pooling is implemented. Id. at ¶ 19.

Therefore, we will schedule a cost allocation and recovery technical conference/workshop so that a cost-recovery mechanism for carriers can be developed for the TNP trials in Massachusetts. All service providers are urged to participate in this technical conference/workshop, at a date to be determined.

V. PARTICIPATION

For the purposes of notification to interested participants, the Department will hereby apply the service lists from Proceeding by the Department of Telecommunications and Energy to conduct mandatory thousands-block number pooling trials pursuant to the authority delegated by the Federal Communications Commission *In the Matter of Massachusetts Department of Telecommunications and Energy Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, FCC 99-246, NSD File No. L-99-19 (September 15, 1999), D.T.E. 99-99, and Petition of NeuStar, Inc., as North American Numbering Plan Administrator and on behalf of the Massachusetts telecommunications industry, for relief for the 413 Area Code in Western Massachusetts, D.T.E. 00-64, as an initial service list for this docket. A copy of this order will be sent to this combined service list and to the list of codeholders for Massachusetts. Any interested person who wishes to be added to the service list should submit a request to this effect by 5:00 p.m. on Friday, March 23, 2001, to:

Mary L. Cottrell, Secretary

Re: D.T.E. 01-33

Department of Telecommunications and Energy

One South Station, Second Floor

Boston, MA 02110

VI. ORDER

Accordingly, the Department

VOTES: To open this proceeding to conduct mandatory thousands-block number pooling trials and other number conservation measures in Massachusetts; and it is

ORDERED: That a thousands-block pooling trial shall begin in all LNP-capable rate centers in the 413 NPA no later than August 1, 2001; and it is

FURTHER ORDERED: That a thousands-block pooling trial shall begin in all LNP-capable rate centers in the 617/857 NPA no later than November 1, 2001; and it is

FURTHER ORDERED: That a thousands-block pooling trial shall begin in all LNP-capable rate centers in the 508/774 NPA no later than December 1, 2001; and it is

FURTHER ORDERED: That a thousands-block pooling trial shall begin in all LNP-capable rate centers in the 781/339 NPA no later than January 1, 2002; and it is

FURTHER ORDERED: That a thousands-block pooling trial shall begin in all LNP-capable rate centers in the 978/351 NPA no later than February 1, 2002; and it is

FURTHER ORDERED: That all LNP-capable carriers shall participate in the Massachusetts pooling trials; and it is

FURTHER ORDERED: That NeuStar is selected as the Interim Pooling Administrator for all thousands-block pooling trials in Massachusetts; and it is

FURTHER ORDERED: That an initial implementation meeting for the Massachusetts pooling trials shall be held within thirty (30) days of the date of this decision; and it is

FURTHER ORDERED: That each industry participant subject to this Order cooperate with the designated Interim Pooling Administrator in implementing the requirements of this Order; and it is

FURTHER ORDERED: That the Secretary of the Department shall, within three days of the issuance of this Order, serve a copy of this Order on the D.T.E. 99-99 and D.T.E.

00-64 service lists by mail.

By Order of the Department,

_____/s/_____

James Connelly, Chairman

_____/s/_____

W. Robert Keating, Commissioner

_____/s/_____

Paul B. Vasington, Commissioner

_____/s/_____

Eugene J. Sullivan, Jr., Commissioner

_____/s/_____

Deirdre K. Manning, Commissioner

1. In September 1999, the FCC delegated authority to the Department to implement number conservation measures in the 508, 617, 781, and 978 NPAs. Massachusetts Department of Telecommunications and Energy Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, Order, 14 FCC Rcd 17447 (1999) ("September MA Delegation Order"). Because the authority granted in the September MA Delegation Order did not extend to western Massachusetts or the overlay codes in eastern Massachusetts, the Department filed its August 3, 2000, petition for a state-wide grant of authority.

2. TNP is a method of conserving numbers by distributing them to carriers more efficiently. Currently, telephone numbers are assigned to carriers in blocks of 10,000 numbers. With TNP, telephone numbers are given out in thousands-blocks rather than ten-thousands-blocks, in an effort to reduce the amount of idle-number inventory held by carriers. Carriers donate their excess inventory of unused or minimally used thousands-blocks to a pool, from which carriers are assigned new telephone numbers as needed. TNP is based on local number portability ("LNP") technology, which allows telephone numbers to be ported between carriers within a given rate center. The FCC has indicated its intention to implement TNP on a national basis in the near future, but continues to allow individual states to petition the FCC for authority to conduct TNP in the interim until the national implementation date.

3. In the Matter of Massachusetts Department of Telecommunications and Energy Petition for Delegation of Additional Authority to Implement Number Conservation Measures in Massachusetts, CC Docket Nos. 99-200 and 96-98, Order, NSD File No. L-00-169, DA 01-386 (rel. February 14, 2001) ("February MA Delegation Order").

4. Non-LNP capable carriers, such as wireless carriers and some independent telephone companies, will not be eligible to participate in pooling and thus will continue to be allocated full exchange codes. See 47 C.F.R. § 52.23(b)-(c).

5. Consistent with the authority granted by the February MA Delegation Order, these pooling trials will be superseded by the national TNP framework when implemented.

6. An additional implementation meeting for pooling in the eastern Massachusetts NPAs may be necessary.

7. Telephone Number Portability, CC Docket No. 95-116, Fourth Memorandum Opinion and Order on Reconsideration, RM 8535, FCC 99-151, at ¶ 32 (rel. July 16, 1999).

8. Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, at 7665 (2000).